

SECOND REGULAR SESSION

HOUSE BILL NO. 2086

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SANDERS BROOKS, CURLS, LOWE, VAN ZANDT, JOLLY,
WILSON (42), WALTON, HAYWOOD (Co-sponsors), BOWMAN, BLAND, THOMPSON, BOYKINS,
SHELTON, WILLOUGHBY, BOUCHER, JOHNSON (61) AND TROUPE.

Read 1st time February 28, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4846L.01I

AN ACT

To repeal sections 196.230 and 196.235, RSMo, and to enact in lieu thereof three new sections relating to sanitation in food establishments, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 196.230 and 196.235, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 196.230, 196.232 and 196.235, to read as
3 follows:

196.230. **1.** The director of the department of health and [his] **the director's** assistants
2 or agents [by him] appointed **by the director**, the state, county, city and town health officers
3 shall have full power at any time to enter and inspect every building, room, basement or cellar,
4 occupied or used, or suspected of being used, for the production for sale, manufacture for sale,
5 storage, sale, distribution or transportation of food and all utensils, fixtures, furniture and
6 machinery used as aforesaid, and if upon inspection any food producing or distributing
7 establishment, conveyance, employer, operative, employee, clerk, driver or other person is found
8 to be violating any of the provisions of sections 196.190 to 196.265, or if the production,
9 cooking, preparation, manufacture, packing, storing, sale, distribution or transportation of food
10 is being conducted in a manner detrimental to the health of the employees and operatives and the
11 character or quality of the food therein being produced, manufactured, packed, stored, sold,
12 distributed or conveyed, the officer or inspector, making the examination or inspection, shall
13 furnish evidence of [said] **such** violation to the prosecuting attorney of the county in which the
14 violation occurs, and it shall be the duty of all prosecuting attorneys to represent and prosecute,

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 in behalf of the people, when called upon by the director of the department of health to do so,
16 all such cases of offenses arising [under] **pursuant to** the provisions of sections 196.190 to
17 196.265. When complaint is made by the [said] director of the department of health, security for
18 costs shall not be required of the complainant in any case at any time of the prosecution or trial.

19 **2. All state, county and municipal health officials or inspectors shall utilize the 1999**
20 **Missouri Food Code for the inspection of entities listed in subsection 1 of this section.**

21 **3. The department of health shall notify its division of nutritional health services**
22 **of any violation of sections 196.190 to 196.265 by a grocery store that is found during an**
23 **inspection conducted pursuant to subsection 1 of this section.**

196.232. Any grocery store, convenience store or food distributing establishment
2 **that redeems state-issued Woman, Infant and Children (WIC) vouchers and receives two**
3 **unsatisfactory health examinations or inspections from the department of health within a**
4 **three-year period shall not participate in the WIC program for a period of not less than**
5 **six months.**

196.235. Any person who violates any of the provisions of sections 196.190 to 196.230,
2 **shall be guilty of a misdemeanor, and, on conviction, shall be punished for the first offense by**
3 **a fine of not less than [ten dollars nor more than one hundred dollars] one hundred dollars a**
4 **day for each day of such violation, or be imprisoned in the county jail not exceeding thirty**
5 **days, or both, in the discretion of the court.**